

**8830.2740 GRADE SEPARATION AT CROSSING.**

Subpart 1. **Candidate for grade separation.** A grade crossing must meet at least one of the criteria in items A to C to be a candidate for grade separation.

A. The train speeds at the crossing are 40 miles per hour (60 kilometers per hour) or greater, the roadway carries four or more lanes of traffic, and either:

(1) the roadway immediately preceding the crossing has a posted speed of 30 miles per hour (50 kilometers per hour) or greater and a current ADT of 5,000 vehicles or more; or

(2) the roadway immediately preceding the crossing has a posted speed of 55 miles per hour (90 kilometers per hour) or greater and a current ADT of 3,000 vehicles or more.

B. There are active warning devices, and there has been a vehicle-train accident at the grade crossing involving a fatality or two property damage or personal injury accidents within the last five years.

C. An increase in public safety would result from construction of the grade separation by eliminating another safety problem area such as an accident-prone roadway intersection.

Subp. 2. **Considerations.** The commissioner shall determine whether a grade separation will be constructed, and, if so, the appropriate location for the grade separation. The commissioner shall consider the following factors related to the crossing in making this determination:

A. previous use of the crossing by emergency vehicles;

B. accident history for the last five years;

C. use of the crossing by vehicles carrying hazardous materials, vehicles carrying passengers for hire, and school buses;

D. volume of vehicular traffic and operating speed;

E. volume of train traffic and operating speed;

F. number of tracks;

G. vertical and horizontal alignments, and the need for and availability of additional right-of-way;

H. other grade crossings in the area;

I. other factors that might adversely affect the safety of roadway users, pedestrians, bicyclists, and recreational users;

J. costs and benefits of constructing a grade separation and the cost participation that would be required of each of the parties involved, as well as the availability of funds; and

K. public opinion regarding construction of the grade separation.

Subp. 3. **Approval of structure plans.** Plans for structures that provide grade separations must be approved by the commissioner under part 8830.2800.

**Statutory Authority:** *MS s 218.071; 219.073; 219.165; 219.17; 219.384; 222.50; 222.58; 222.63*

**History:** *23 SR 524*

**Published Electronically:** *October 2, 2007*